

REMARKS

I. Introduction

By this Amendment, Applicant incorporates the subject matter of claim 2 into independent claim 1 and the subject matter of claim 6 into independent claim 5. Claims 2 and 6 are canceled to avoid redundancy. Therefore, claims 1, 3-5 and 7-8 are pending in the application and have been examined.

Specifically, claims 1 and 5 stand rejected under 35 U.S.C. § 102(e)¹ as allegedly being anticipated by Tsukagoshi, U.S. Patent No. 5,034,819 ("Tsukagoshi"). Additionally, claims 1, 3-5 and 7-8 stand rejected under 35 U.S.C. § 102(e)² as allegedly being anticipated by Toyoshima et al., U.S. Patent No. 5,512,955 ("Toyoshima").

Applicant traverses the rejections of claims 1, 3-5 and 7-8 as follows.

II. Claims 1 And 5 Are Not Anticipated By Tsukagoshi

Claims 1 and 5 stand rejected under § 102 as allegedly being anticipated by Tsukagoshi.

As amended, claim 1 recites, *inter alia*, "a controller for receiving the channel number output from the key input and storing the channel number output from the key input in the memory while controlling the tuner to tune to a broadcasting channel corresponding to the

¹ Applicant notes that given the publication date of this reference (July 23, 1991), any rejection should be under 35 U.S.C. § 102(b).

² Again, Applicant notes that given the publication date of this reference (April 30, 1996), any rejection should be under 35 U.S.C. § 102(b).

received channel number, wherein the controller receives a signal output from the signal processor, determines whether a broadcasting signal is present in the currently tuned broadcasting channel and stores the corresponding broadcasting channel number in the memory only if said broadcasting signal is present" (*see also* amended claim 5).

On page 3 of the Office Action, the Examiner alleges that Tsukagoshi discloses these features because it describes that "the channel selecting microcomputer 3 will judge the respective receiving channels by the judging signal from the synchronizing circuit 7 as to whether they are signal channels or no-signal channels and will have the RAM 9 memorize the data showing the channel numbers or the signal channels" (Tsukagoshi: col. 4, lines 3-8).

Applicant respectfully submits that the Examiner is taking this single sentence out of context. When the entire paragraph is examined, Tsukagoshi describes that channels can be stored in a provided memory, and that the channels are stored according to signals provided by an ADD/ERASE key 11 or an AUTO PROGRAM key 12 of an input device 8 (Tsukagoshi: col. 3, line 55 to col. 4, line 8). Thus, Tsukagoshi merely describes storing channels according to either of the two conventional approaches discussed on page 1 of Applicant's Specification.

Tsukagoshi fails to disclose or suggest, for example, that when a controller receives a channel number output from the key input and controls a tuner to tune a broadcasting channel corresponding to the received channel number, the controller stores a corresponding broadcasting channel number in the memory only if said broadcasting signal is present (*see* claims 1 and 5).

To the contrary, the microcomputer 3 of Tsukagoshi requires more than receiving a channel number output from input apparatus 8 to store memory channels in its RAM 9; for

example, an ADD/ERASE key 11 or AUTO PROGRAM key 12 must be operated as well (Tsukagoshi: col. 3, lines 56-59).

These are the types of key operations that Applicant's invention does away with, thereby simplifying the overall key operations associated with storing a broadcasting channel number in a memory (*see, e.g.*, page 4 of Applicant's Specification).

In view of the above, claims 1 and 5 are not anticipated by Tsukagoshi.

III. Claims 1, 3-5 and 7-8 Are Not Anticipated By Toyoshima

Claims 1, 3-5 and 7-8 stand rejected under § 102 as allegedly being anticipated by Toyoshima.

As amended, claim 1 recites, *inter alia*, "a controller for receiving the channel number output from the key input and storing the channel number output from the key input in the memory while controlling the tuner to tune to a broadcasting channel corresponding to the received channel number, wherein the controller receives a signal output from the signal processor, determines whether a broadcasting signal is present in the currently tuned broadcasting channel and stores the corresponding broadcasting channel number in the memory only if said broadcasting signal is present" (*see also* amended claim 5).

On page 5 of the Office Action, the Examiner alleges that Toyoshima discloses these features because it describes that "if an affirmative result is obtained at [step SP4], CPU 8 proceeds to the succeeding step SP5 and receives the information signal SG from the information

signal analyzing circuit" (Toyoshima: col. 3, lines 59-64). Furthermore, the Examiner relies on Toyoshima's description that "at step SP6, the CPU 8 writes the information of the information signal along with the channel number to the memory 9, and then proceeds to the succeeding step SP7" (*Id.*).

Applicant respectfully submits that the Examiner is once again taking these sentences out of context. When the entire flow of Fig. 2 of Toyoshima is examined, it is apparent that an auto-programming sequence is illustrated. For example, channels are evaluated sequentially starting at an initial starting channel SP2, which is 2 in the case of an air transmission broadcasting wave SRF1, until a maximum channel value SP8, which is 83 in the case of an air transmission broadcasting wave SRF1, is reached. Each channel within this range is evaluated to determine whether it is an active channel at SP4, and only information on active channels, including the channel number, are written in memory 9 at SP6 (Toyoshima: col. 3, lines 46-67; and Fig. 2). Thus, Toyoshima merely describes storing channels according to an auto-programming function in response to an initiating signal at SP1 (Toyoshima: Abstract; and Fig. 2).

Toyoshima fails to disclose or suggest, for example, that when a controller receives a channel number output from the key input and controls a tuner to tune a broadcasting channel corresponding to the received channel number, the controller stores a corresponding broadcasting channel number in the memory only if said broadcasting signal is present (*see claims 1 and 5*).

To the contrary, the CPU 8 of 3 of Toyoshima requires more than receiving a channel number, *e.g.*, at receiving unit 7, to store the channel in memory (RAM) 9; for example, an initiating signal must be provided and an auto-programming sequence (involving multiple

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channels) must be conducted as well (Toyoshima: Abstract; col. 3, line 43 to col. 4, line 40; and Figs. 2-3). Indeed, Toyoshima describes storing channels in a manner similar to the second conventional approach discussed on page 1 of Applicant's Specification.

These are the types of operations that Applicant's invention does away with, thereby simplifying the overall operations associated with storing a broadcasting channel number in a memory (*see, e.g.*, page 4 of Applicant's Specification). Furthermore, a user is not required to sit through the programming (*e.g.*, tuning, evaluating and storing) of a long sequence of channel numbers, since Applicant's invention stores a channel in memory as it is selected by a user, when the selected channel corresponds to an active broadcasting signal.

In view of the above, claims 1 and 5 are not anticipated by Toyoshima. Consequently, claims 3-4 and 7-8 are not anticipated by Toyoshima, at least by virtue of their dependency.

IV. Formal Matter

Applicant respectfully notes that this is the third Office Action in which the Examiner fails to acknowledge Applicant's claim for foreign priority under 35 U.S.C. § 119, including receipt of the priority document. Therefore, Applicant again requests that the Examiner acknowledge Applicant's priority claim in the next correspondence.

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V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Billy Carter Raulerson
Registration No. 52,156

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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